

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

IN THE MATTER OF:)	Case No. 3313
)	
ELLIOTT TURETZKY, D.O.)	FINDINGS OF FACT,
Holder of License No. 1167 for the)	CONCLUSIONS OF LAW,
practice of osteopathic medicine in the)	AND ORDER OF REVOCATION
State of Arizona.)	
_____)	

On February 26, 2004 The AZ Board of Osteopathic Examiners (hereafter "Board") notified Elliott Turetzky, D.O. (hereafter "Respondent") of a complaint based an action taken by the Nevada Board of Osteopathic Medicine, and requested a response. A second notice was sent on April 5, 2004. Respondent did not respond to either notice.

On May 27, 2004, the Board notified Respondent that the complaint would be reviewed at the Board's June 19, 2004 meeting, and that he had the right to attend that meeting.

Respondent did not appear at the meeting or provide any written response.

At their meeting on June 19, 2004, the Board reviewed the complaint and voted to conduct a formal, administrative hearing on the matter.

On July 12, 2004, Board issued a Complaint and Notice of Hearing to Respondent to appear for an administrative hearing before the Board at 8:00 a.m., September 11, 2004, 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258. Respondent did not file an Answer to the Complaint and Notice of Hearing.

On September 11, 2004 the Board conducted the administrative hearing. Mr. Blair Driggs, Assistant Attorney General, appeared for the State of Arizona. Respondent did not appear at the hearing, nor was he represented by counsel.

After hearing testimony and considering the documents submitted, the Board voted to accept

the following Findings of Fact and Conclusions of Law, and to enter the following Order:

JURISDICTIONAL STATEMENTS

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.
2. Respondent was issued License No. 1167 by the Board for the practice of osteopathic medicine in the State of Arizona.
3. Respondent was notified on February 26, 2004 that an investigation was pending on this matter. He was also notified on April 2, 2004 that should he not renew his license, it would be suspended on May 3, 2004, pursuant to A.R.S § 32-3202, rather than expiring.

FINDINGS OF FACT

4. On or about May 19, 2003, the Nevada State Board of Osteopathic Medicine (NV Board), filed a Complaint against Respondent, alleging that Respondent “may be impaired either because of a mental or physical condition.” On May 20, 2003, the NV Board conducted that emergency hearing, and summarily suspended Respondent’s license in that State and ordered Respondent to submit to a physical and mental examination of his fitness to practice.
5. On February 3, 2004, Respondent sent to the Board via facsimile an application for renewal of his AZ license, a request for extension of time to complete the CME requirement, and a request for waiver of the CME requirement. On those documents, Respondent stated that the originals, the supporting documentation, and the renewal fee were would be sent later.
6. On the renewal documents, Respondent disclosed the following:
 - a. he had a “neck injury symptom flare-up,” “flare-up of symptoms from my traumatic neck injury from being rear-ended and car totaled” and was “retired disabled.” Despite

these statements, he answered “no” to having a physical, mental, or emotional condition that did or may impair his ability to practice.

b. he had no practice address because he was “retired disabled” and had no residential address or telephone, but used a post office box as “legal address since I camp out – full time.”

c. he answered “yes” to having had disciplinary action taken by other state boards, stating “NV-contested-documentation to follow.”

7. On February 6, 2004, the NV Board conducted a hearing and revoked Respondent’s license to practice in that State, having concluded that Respondent “is mentally impaired and lacks the ability to safely and skillfully practice osteopathic medicine” and that he “did not submit to a mental or physical examination as Ordered by the Board.” The Order of Revocation was dated February 13, 2004 and was effective on service.

8. As of May 3, 2004, the expiration date for renewals, the Board had not received from Respondent the original renewal application, documentation of CME, supporting documentation for disclosures and other answers, or payment of fees.

CONCLUSION OF LAW

The conduct described in paragraphs 4 through 8 above constitutes unprofessional conduct as defined at A.R.S. § 32-1854:

(18.) “The refusal, revocation or suspension of a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the person’s ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section.”

ORDER

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

License number 1167, previously issued to Elliott Turetzky, D.O. ("Respondent") is **REVOKED** effective September 11, 2004.

ISSUED this 20th day of September 2004.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
9535 E. Doubletree Ranch Road
Scottsdale, AZ 84258

By: 
Elaine LeTarte, Executive Director

Notice of Right to Request Review or Rehearing:

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.09. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners within thirty (30) days. If you request a review or rehearing, you must base your request on at least one of the eight grounds for review or rehearing that are allowed under A.A.C. R4-22-106(D). Failure to file a motion for rehearing or review within 30 days has the effect of prohibiting you from seeking judicial review of the Board's decision in the AZ Courts.

Served by Certified Mail 7000 0520 0023 4778 1695
this 20th day of Sept. 2004 to:

Elliott Turetzky, D.O.
P.O. Box 13504
Las Vegas, NV 89112

A copy mailed / delivered
this 20th day of Sept., 2004 to:

Blair Driggs
Assistant Attorney General
Office of the Attorney General
15 S. 15th Avenue, 3rd floor
Phoenix AZ 85007

